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Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization
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Identification of new subjects

Concept paper by Ghana on strengthening the relationship and cooperation between the United Nations and regional organizations or arrangements in the peaceful settlement of disputes

Introduction

Under Article 33 of the Charter of the United Nations, Member States that are party to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, are first to seek a solution through one of the peaceful methods or means stipulated therein, one of which is the resort to regional agencies or arrangements.

The need for peaceful settlement of disputes as envisaged under Article 33 of the Charter was underscored by the General Assembly in its resolution 37/10, by which it approved the Manila Declaration on the Peaceful Settlement of International Disputes and acknowledged the role of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization in elaborating the text of the Declaration.

The Charter establishes the Security Council as the principal organ charged with the responsibility for maintaining international peace and security, while foreseeing a role for regional agencies or arrangements, especially with regard to the peaceful settlement of disputes. Under Chapter VIII, regional organizations are encouraged to contribute towards the maintenance of peace and security insofar as such efforts are in accordance with the Charter. The Council is to utilize regional agencies or arrangements, but regional arrangements may take enforcement action only with the authorization of the Council.

In addition, Article 54 provides that the Security Council must at all times be kept fully informed of activities undertaken or contemplated by regional organizations for the maintenance of international peace and security.

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Main elements

The Special Committee has had occasions in the past decades to consider principles that should guide the relationship between the United Nations and regional organizations or arrangements, as Member States have expected the United Nations to play a greater role in the maintenance of international peace and security and respond to global threats and challenges more effectively.

The past efforts of the Special Committee in considering and even adopting such guiding principles notwithstanding, recent historical and contemporary experiences of the international community, including the United Nations and regional arrangements or organizations, in various undertakings to address situations that threatened international peace and security have underscored the imperative to promote better coordination and cooperation between the United Nations and regional organizations.

Given the significant role that regional organizations play in promoting the rule of law, human rights and international humanitarian law in the maintenance of peace and security, it is necessary for the United Nations, including both the General Assembly and the Security Council, to explore urgent measures to improve the working relationship with regional organizations towards the peaceful settlement of disputes.

Such measures will include exploring institutional mechanisms to enable more effective and timely interaction and strategic cooperation between the Organization and regional organizations. In so doing, the Special Committee could not only build on its past work on this topic, but also draw from various seminal reports of the Secretary-General, including those entitled "An Agenda for Peace" (A/47/277-S/24111) and "In larger freedom: towards development, security and human rights for all" (A/59/2005), which highlight such ideas as:

- Regional security
- Role that regional organizations could play in preventive diplomacy
- Early warning systems
- Peacekeeping and post-conflict peacebuilding and means by which the United Nations could work with regional organizations in more predictable and reliable partnerships

Other reports of the United Nations organs dealing with those subjects may also be relevant.

Recent challenges have underlined the urgent necessity for the Special Committee to reactivate and revisit the topic of the need to strengthen the cooperation, coordination and relationship between the United Nations and regional organizations in the peaceful settlement of disputes that threaten international peace and security. Those challenges include the perception that the United Nations has in some cases not succeeded in effectively cooperating with regional organizations, while in other cases there has been a lack of clarity as to how the Organization might engage in situations concerning multiple regional organizations or arrangements at the same time.

In addition, revisiting the topic will offer Member States an opportunity to assess the degree of compliance with or implementation of the Declaration as it enters its twentieth anniversary, with a view to addressing any apparent gaps or shortcomings at the level of cooperation and working relationships between the United Nations and regional arrangements in the context of the peaceful settlement of disputes.